

RECEIVED  
CENTRAL FAX CENTER

001

OCT 21 2004

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	John Eric Peckham
Application No.:	10/719421
Filed:	November 21, 2003
For:	Rotational Markers
Examiner:	Not Assigned
Group Art Unit:	3736
Firm Docket No.:	S63.2B-11294-US01

DATE: October 21, 2004

TIME: 10:36

FACSIMILE NO.: 703-872-9306

TOTAL NUMBER OF PAGES (including transmittal letter): 6

## FACSIMILE TRANSMITTAL LETTER

Following please find a(n) 5 Pg Supplemental Information Disclosure Statement; and 1 page Facsimile Transmittal Letter.

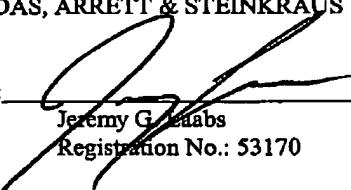
With respect to fees:  No additional fee is believed to be required  
 Charge any fee deficiency to our Deposit Account No. 22-0350

## Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,  
VIDAS, ARRETT & STEINKRAUS

By: 

Jeremy G. Laabs  
Registration No.: 53170

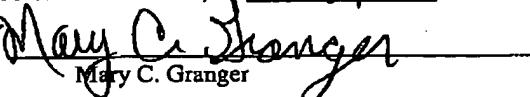
Date: October 21, 2004

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\jgl\11294us01\_tra\_20041020.doc

## Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 703-872-9306, on October 21, 2004.

Signature:   
Mary C. Granger

RECEIVED  
CENTRAL FAX CENTER

002

OCT 21 2004

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	John Eric Peckham
Application No.:	10/719421
Filed:	November 21, 2003
For:	Rotational Markers
Group Art Unit:	3736

Mail Stop \_\_\_\_\_  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Docket No.: S63.2B-11294-US01

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Listed below or on an attached form listing the cited references and/or a copy of a PTO-892 form is information known to applicant(s). A copy of each listed publication, U.S. patent, foreign patent and U.S. patent application is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98, *except that* U.S. applications from which priority is claimed under 35 U.S.C. §120, and documents cited in such priority applications, may be omitted from the enclosures pursuant to 37 C.F.R. 1.98(d). Applicant's submission of copies of U.S. applications does not constitute a waiver of the confidentiality of such applications. As such, **Applicant requests that any copies of unpublished US applications submitted herewith be excluded from the file wrapper pursuant to 37 C.F.R. §1.14.**

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If the form listing the cited references or PTO-892 from a prior application is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is prior art, or is or is considered to be, material to patentability as defined in §1.56.

Application No. 10/719421  
Page 2

*Supplemental Information Disclosure Statement*  
*Attorney Docket No. S63.2B-11294-US01*

Applications that are listed on the accompanying form listing the cited references as related by priority are related by priority claim under 35 USC §120. Pursuant to 37 CFR §1.98(d), no copies of cited art in a previous application(s) to which priority was claimed need be submitted. Applicant is providing copies of the form listing the cited references and/or 892 forms from these cases.

X I. This statement qualifies as a no-fee Information Disclosure Statement under 37 C.F.R. §1.97(b) or otherwise because to the knowledge of the undersigned attorney it is being filed (check all that apply):

- (1) within 3 months of the filing date of the application (other than a CPA); or
- (2) within 3 months of entry of the national stage; or
- (3) before the mailing of a first Office Action on the merits;
- (4) before the mailing of a first Office Action after the filing of a request for continued examination (RCE) under §1.114;
- (5) as part of a continued prosecution application (CPA); or
- (6) during the period of a suspension of action for a CPA under 37 C.F.R. §1.103(b).

       II. This statement is believed to require a fee or the submission of a certification under 37 C.F.R. §1.97 (c) or otherwise. If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application (other than CPA); (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; (3) the mailing of a first Office Action on the merits; (4) the mailing of a first Office Action after the filing of a request for continued examination under §1.114; or (5) after the filing of a request for a continued prosecution application, but before the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311 or an action that otherwise closes prosecution in the application, then:

- (1) a certification as specified in §1.97(e) is provided below; or
- (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

Application No. 10/719421  
Page 3

**Supplemental Information Disclosure Statement  
Attorney Docket No. S63.2B-11294-US01**

III. *37 C.F.R. §1.97(d).* If this statement is being filed after the mailing date of the earlier of a final office action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in the application, but before payment of the issue fee, then:

- (1) a certification as specified in §1.97(e) is completed below; and  
 (2) a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with payment of other papers filed together with this statement.

X *IV. Fee Authorization.* If any fee is due for consideration of this Information Disclosure Statement and full payment has not been submitted herewith, regardless of which boxes have been checked above, the Commissioner is hereby authorized to charge any additional fees associated with this communication to Deposit Account No. 22-0350. The Commissioner is hereby authorized to credit any overpayment associated with this communication to Deposit Account No. 22-0350.

*If paragraph II.1 or III is checked, also check one of the paragraphs below*

I hereby certify, under 37 CFR §1.97(e)(1), that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the date of the filing of this information disclosure statement.

This communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

I hereby certify, under 37 CFR §1.97(e)(2), that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

*For the purpose of this certification, Applicant considers the PCT International Search Authority to constitute a foreign patent office.*

*Application No. 10/719421*  
*Page 4*

*Supplemental Information Disclosure Statement*  
*Attorney Docket No. S63.2B-11294-US01*

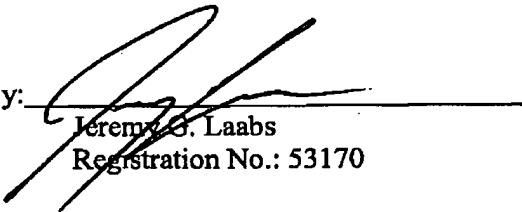
If this Information Disclosure Statement has been submitted without the appropriate box checked, Applicant requests that this Information Disclosure Statement be considered nevertheless if it is timely submitted under any of the provisions of 37 C.F.R. §1.97 or otherwise. Finally, if any petition is necessary to ensure consideration of this Information Disclosure Statement, Applicant requests that this be treated as such a petition.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: October 21, 2004

By:

  
Jeremy C. Laabs  
Registration No.: 53170

6109 Blue Circle Drive, Suite 2000  
Minnetonka, MN 55343-9185  
Telephone: (952) 563-3000  
Facsimile: (952) 563-3001

f:\wpwork\jgl\11294us01\_ids\_20041020.doc

<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b> <small>(Use several sheets if necessary)</small>		<b>ATTY DOCKET NO.: S63.2B-11294-US01</b>		<b>APPLICATION NO.: 10/719421</b>		
		<b>APPLICANT: John Eric Peckham</b>				
		<b>FILING DATE: November 21, 2003</b>		<b>GROUP: 3736</b>		
<b>REFERENCE DESIGNATION</b>		<b>U.S. PATENT AND PUBLISHED APPLICATION DOCUMENTS</b>				
<b>EXAM'S INIT.</b>	<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>NAME</b>	<b>CLASS/ SUBCLASS</b>	<b>FILING DATE IF APPROPRIATE</b>	
AA	5,203,777	04/20/1993	Lee	604/280		
AB						
AC						
AD						
AE						
AF						
AG						
AH						
AI						
AJ						
AK						
AL						
<b>FOREIGN PATENT DOCUMENTS</b>						
	<b>DOCUMENT NUMBER</b>	<b>DATE</b>	<b>COUNTRY</b>			
BA						
BB						
BC						
BD						
BE						
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	CA					
	CB					
	CC					
<b>EXAMINER</b>		<b>DATE CONSIDERED</b>				
<b>EXAMINER:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.						

1 of 1